

### **REMARKS**

A Petition for Extension of Time is being concurrently filed with this Amendment. Thus, this Amendment is being timely filed.

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the claims and the following remarks.

#### ***Status of the Claims***

Claims 1, 3-4, 6-9, 11, 14, 15, 18-20, and 22-25 are currently pending and stand ready for further action on the merits for the above-identified application. Claims 1, 3, 8, 9 and 11 are presently amended. No new matter has been added by way of amendment. Claim 1 is amended, without prejudice or disclaimer, to include "...the liquid retentive sheet includes heat-fusible fiber having a fineness of 0.5 to 5 dtex and a length of 2 to 15 mm....," which has support within the present specification at page 13, lines 18-21. Also, claim 1 is amended to incorporate the textual subject matter of claim 2. Claim 2 is cancelled without prejudice or disclaimer. Claims 3, 8, 9 and 11 are amended to correct their dependencies. Thus no new matter has been added.

Based upon the above considerations, entry of the present Amendment is respectfully requested.

#### ***Issue Under 35 U.S.C. § 103(a), Obviousness***

Claims 1, 9, 14-15, 18, 22-25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over **JP 2000-212866** (hereinafter "**JP-866**") in view of **JP 10-273884** (hereinafter "**JP-884**")

and further in view of Textile Glossary definition of cellulosic fibers. Applicants respectfully traverse.

Applicants have amended claim 1, without prejudice or disclaimer, to incorporate the textual subject matter of non-rejected claim 2, now cancelled. Thus the present rejection is overcome. Further distinctions of the present invention to that of the cited references indicating non-obviousness are further described below.

Applicants respectfully request reconsideration and withdrawal of the present rejection.

***Issue Under 35 U.S.C. § 103(a), Obviousness***

Claims 2 and 11, 19 and 20 stand rejected under 35 U.S.C. § 103(a) as unpatentable over **JP-866** in view of **JP-884**, and further in view of Kakiuchi *et al.*, **WO 01/52713 (hereinafter “WO ‘713”)**.

Claim 2 is cancelled, without prejudice or disclaimer, thus obviating the rejection as to this claim. Applicants traverse the rejection as to the remaining claims.

Since claim 2 was incorporated into claim 1, in an effort to further prosecution, Applicants provide the following remarks.

Reconsideration and withdrawal of the above rejection is respectfully requested based on the following considerations.

***Legal Standard for Determining Prima Facie Obviousness***

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to

combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

“There are three possible sources for a motivation to combine references: the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art.” *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998) (The combination of the references taught every element of the claimed invention, however without a motivation to combine, a rejection based on a *prima facie* case of obvious was held improper.).

“In determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification.” *In re Linter*, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. “The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the

nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." *In re Kotzab*, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also *In re Lee*, 277 F.3d 1338, 1342-44, 61 USPQ2d 1430, 1433-34 (Fed. Cir. 2002) (discussing the importance of relying on objective evidence and making specific factual findings with respect to the motivation to combine references); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

The Supreme Court of the United States has recently held that the teaching, suggestion, motivation test is a valid test for obviousness, but one which cannot be too rigidly applied. See *KSR Int'l Co. v. Teleflex Inc.*, 127 SCt 1727, 82 USPQ2d 1385 (U.S. 2007). The Supreme Court in *KSR Int'l Co. v. Teleflex, Inc.*, *ibid.*, reaffirmed the Graham factors in the determination of obviousness under 35 U.S.C. § 103(a). The four factual inquiries under Graham are:

- (a) determining the scope and contents of the prior art;
- (b) ascertaining the differences between the prior art and the claims in issue;
- (c) resolving the level of ordinary skill in the pertinent art; and
- (d) evaluating evidence of secondary consideration.

*Graham v. John Deere*, 383 U.S. 1, 17-18, 148 USPQ 459, 467 (U.S. 1966).

The Court in *KSR Int'l Co. v. Teleflex, Inc.*, *supra.*, did not totally reject the use of "teaching, suggestion, or motivation" as a factor in the obviousness analysis. Rather, the Court recognized that a showing of "teaching, suggestion, or motivation" to combine the prior art to meet the claimed subject matter could provide a helpful insight in determining whether the claimed subject matter is obvious under 35 U.S.C. § 103(a).

Even so, the Court in *KSR Int'l Co. v. Teleflex, Inc.*, *ibid.*, rejected a rigid application of the "teaching, suggestion, or motivation" (TSM) test, which required a showing of some teaching, suggestion, or motivation in the prior art that would lead one of ordinary skill in the art to combine the prior art elements in the manner claimed in the application or patent before holding the claimed subject matter to be obvious.

Further, the Examiner bears the initial burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). "[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336, quoted with approval in *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007).

*Distinctions Over the Cited Art*

Based on a full review of the presently amended claims, Applicants contend that none of the cited art relied on by the Examiner teaches or provides for a cleaning sheet as instantly claimed and it in no way provides any reason or rationale that would allow one of ordinary skill in the art to arrive at the instant invention as claimed, or the advantageous properties that are possessed by the instantly claimed invention.

Specifically, the cited art references fail to teach or provide for a cleaning sheet that is comprised of a liquid retentive sheet and at least one air-laid non-woven fabric provided on at least one side of the liquid retentive sheet. The liquid retentive sheet comprises cellulosic fibers in an amount of from 30 to 100% by weight of the liquid retentive sheet, comprises an air-laid

nonwoven fabric and includes heat-fusible fiber having a fineness of 0.5 to 5 dtex and a length of 2 to 15 mm. Further, the cleaning sheet of the present invention is impregnated with an aqueous detergent.

The Examiner alleges that JP-866 discloses the claimed air-laid nonwoven fabric. The Examiner also alleges that JP-866 teaches the claimed liquid retentive sheet. Applicants respectfully disagree with the Examiner's assertions. JP-866, however, neither teaches nor suggests the combined use of the cellulosic fiber and the heat-fusible fiber having a fineness of 0.5 to 5 dtex and a length of 2 to 15 mm as raw material of the liquid retentive sheet. The heat-fusible fiber ensures the bonding of the air-laid nonwoven fabric and the liquid retentive sheet.

As indicated in the present specification at page 13, lines 24 to 26, where, in particular, the air-laid nonwoven fabric contains heat-fusible fiber or heat-fusible powder, it is preferred to use the heat-fusible fiber as a constituent of the liquid retentive sheet to ensure bonding between the air-laid nonwoven fabric and the liquid retentive sheet.

Additionally, the presently amended claims clarify that the cleaning sheet of the claimed invention is impregnated with an aqueous detergent. The soils on the soiled surface are swollen by the aqueous detergent held in the liquid retentive sheet and, at the same time, scoured or scraped by tips of the thick thermoplastic fibers. The soils thus removed from the soiled surface are dissolved into the aqueous detergent. The aqueous detergent is then absorbed by the cleaning sheet to make the surface clean.

As indicated on page 15, lines 15-25 of the present specification, the air-laid nonwoven fabric side of the cleaning sheet is applied to a soiled surface and rubbed to supply an aqueous detergent held in the liquid retentive sheet to the soiled surface through the air-laid nonwoven

fabric. The soils on the soiled surface are swollen, dissolved or floated by the detergent and, at the same time, scoured or scraped by a large number of the tips of the thick thermoplastic fibers present on the air-laid nonwoven fabric. The soils are thus removed from the soiled surface through these chemical and mechanical actions. The soils thus caught up are dissolved or dispersed in the aqueous detergent and absorbed by the liquid retentive sheet together with the detergent to make the surface clean.

JP-866 neither discloses nor suggests this technical idea of the claimed invention.

With regard to JP-844, as discussed in the previous response, JP-844 discloses a composite nonwoven fabric which comprises a nonwoven fabric (A) and a nonwoven fabric (B), where the nonwoven fabric (A) corresponds to the claimed liquid retentive sheet, As with JP-866, there is nothing in JP-844 to teach or suggest the technical idea of the presently amended invention.

In view of the above considerations, the teachings of JP-866 and JP-884 in the manner asserted by the Examiner, taken either singly or in combination, do not teach or suggest the claimed invention. The rejection is thus without basis and should be withdrawn.

Further, the additional citation of the WO '713 reference does not cure the deficiencies of JP-866 and JP-884. The rejection is thus without basis and should be withdrawn.

In light of the cited case law above, the lack of disclosure of all features as instantly claimed, and the above present remarks, the rejection in view of the cited references is overcome and/or rendered moot.

Further, because no teaching, disclosure, reason or rationale is provided in the attempted combination of the cited references (Applicants contend they cannot be combined) that would

allow one of ordinary skill in the art to arrive at the instant invention as claimed, it follows that the same reference is incapable of rendering the instant invention obvious under the provisions of 35 USC § 103(a).

Applicants respectfully request reconsideration and withdrawal of the present rejection.

***Issue Under 35 U.S.C. § 103(a), Obviousness***

Claims 3-4 and 6-8 stand rejected under 35 U.S.C. § 103(a) as unpatentable over **JP-866** in view of either of **JP-884**, and further in view of Kobayashi *et al.*, **EP 926,288 (hereinafter “EP ‘288”)**. Applicants respectfully traverse.

Applicants herein incorporate the previous arguments by reference. The deficiencies of the JP-866 and JP-884 references are discussed above. The additional citation of the EP ‘288 reference, directed to the embodiments of dependent claims 3-4 and 6-8, does not cure such deficiencies. The rejection is thus without basis and should be withdrawn.

Applicants respectfully request reconsideration and withdrawal of the present rejection.



**CONCLUSION**

In view of the above comments, Applicants respectfully submit that instant claims 1, 3-4, 6-9, 11, 14, 15, 18-20, and 22-25 are allowed and patentable under the provisions of title 35 of the United States Code. A notice to such effect is earnestly solicited at present.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Paul D. Pyla, Reg. No. 59,228, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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